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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/569,319

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Alexandros Tourapis

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Robert D. Shedd, Patent Operations
THOMSON Licensing LLC
P.O. Box 5312
Princeton, NJ 08543-5312

EXAMINER

BAYARD, EMMANUEL

ART UNIT

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2611

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/569,319	Applicant(s) TOURAPIS ET AL.	
	Examiner Emmanuel Bayard	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

Claims 1-8, 14 and 19-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1, 14 and 19 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. Supreme Court precedent¹ and recent Federal Circuit decisions² indicate that a statutory “process” under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing. While the instant claim recites a series of steps or acts to be performed, the claim neither transforms underlying subject matter nor is positively tied to another statutory category that accomplishes the claimed method steps, and therefore does not qualify as a statutory process. For example the **decoding** method including steps of combining is of sufficient breadth that it would be reasonably interpreted as a series of steps completely performed mentally, verbally or without a machine. **The Applicant has provided no explicit and deliberate definitions of "combining" to limit the steps to the electronic form of the "decoding," and the claim language itself is sufficiently broad to read on about §101, mentally stepping through the §101 analysis, recalling *In re Bilski*, and telling the person who had the question his or her opinion.**

¹ *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876).

² *In re Bilski*, 88 USPQ2d 1385 (Fed. Cir. 2008).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12 and 14-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martemyanov U.S. Pub No 20050276323 A1 in view of Machida U.S. Pub No 20010055338.

As per claims 1, 9, 14-15, 19 Martemyanov teaches a method for decoding a hybrid intra-inter encoded block comprising: selecting (see fig.3 element 54) a first prediction of a current block (see fig.3 element 50) with a second prediction of a current block (see fig.3 element 52) and wherein the first prediction of the current block is intra prediction and the second prediction of the current block is inter prediction.

However Martemyanov fails to teach combining a first prediction of a current block with a second prediction of a current block.

Machida teaches teach combining a first prediction of a current block with a second prediction of a current block (see fig.3 element 315 and paragraph [0049]).

It would have been obvious to one of ordinary skill in the art to implement the teaching of Machida into Martemyanov as to calculated the average of the predicted image A and B so that an error could be determined as taught by Machida (see paragraph [0049]).

As per claim 2, Martemyanov and Machida in combination would teach, wherein decoding the block includes combining the first prediction and the second prediction and a third prediction of the current block as to calculate the average of the predicted image A and B and C so that an error could be determined as taught by Machida (see paragraph [0049]).

As per claim 3, Martemyanov teach further comprising reducing the filter strength of a deblocking filter (see Martemyanov paragraph [0027] [0033]) adapted to increase the correlation between pixels adjacent to the current block.

As per claims 4, 22 Martemyanov and Machida in combination would teach wherein the first prediction and the second prediction are combined by averaging the first prediction and the second prediction as to calculated the average of the predicted image A and B so that an error could be determined as taught by Machida (see paragraph [0049]).

As per claims 5, 18 and 21 Martemyanov and Machida in combination would teach, wherein the first prediction and the second prediction are combined by weighting (see Martemyanov paragraph [0279] [00332]) each of the first prediction and the second prediction as to calculated the average of the predicted image A and B so that an error could be determined as taught by Machida (see paragraph [0049]).

As per claim 6, Martemyanov teach wherein the current block is a 16 x 16 30 macroblock (see fig.2 element 42).

As per claim 7, Martemyanov and Machida in combination would teach , wherein the current block is a sub-macroblock as to calculated the average of the predicted

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image A and B so that an error could be determined as taught by Machida (see paragraph [0049]).

As per claim 8, Martemyanov and Machida in combination would teach wherein the current block is a 4 x 4 sub-macroblock partition as to calculate the average of the predicted image A and B so that an error could be determined as taught by Machida (see paragraph [0049]).

As per claim 10, Martemyanov and Machida in combination would teach, wherein the combining unit is adapted to combine the first intra prediction and the first inter prediction as to calculate the average of the predicted image A and B so that an error could be determined as taught by Machida (see paragraph [0049]).

As per claim 11, Martemyanov and Machida in combination would teach, wherein the hybrid intra-inter coded block is the average of the first intra prediction and the first inter prediction as to calculate the average of the predicted image A and B so that an error could be determined as taught by Machida (see paragraph [0049]).

As per claim 12, Martemyanov and Machida in combination would teach television comprising a video decoder as claimed in Claim 9 as to calculate the average of the predicted image A and B so that an error could be determined as taught by Machida (see paragraph [0002] [0049]).

As per claim 16, Martemyanov and Machida in combination would teach wherein the combining unit is a summing block as to calculate an absolute differential sum of both predicted images A and B so that the coding means 307 could multiplex all these

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variable length codes and issue as a bit stream as taught by Machida (see paragraph [0051-0052]).

As per claim 17, Martemyanov and Machida in combination would teach wherein the combining unit combines the first intra prediction and the first inter prediction by average the two predictions as to calculate an absolute differential sum of both predicted images A and B so that the coding means 307 could multiplex all these variable length codes and issue as a bit stream as taught by Machida (see paragraph [0051-0052]).

As per claim 20, Martemyanov and Machida in combination would teach wherein the step of combining is accomplished using a summing block as to calculate an absolute differential sum of both predicted images A and B so that the coding means 307 could multiplex all these variable length codes and issue as a bit stream as taught by Machida (see paragraph [0051-0052]).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Machida U.S. Pub No 20010055338.

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3. As per claim 33, Machida teaches a video decoder adapted to decode a bitstream including bi-predictive intra-inter encoded blocks (see fig.3 element 315 and paragraph [0049]).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Amara et al U.S. Pub No 20040095511 A1.

6. Lainema et al U.S. Pub No 20010019634 A1.

7. Ueda et al U.S. Pub No 20040022316.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Bayard whose telephone number is 571 272 3016. The examiner can normally be reached on Monday-Friday (7:Am-4:30PM) Alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on 571 272 3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

5/10/2010

Emmanuel Bayard
Primary Examiner
Art Unit 2611

/Emmanuel Bayard/
Primary Examiner, Art Unit 2611